

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 06-CA-189460

Date Filed  
12-6-16

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Ish Foods, Inc., a McDonald's Franchisee, and McDonald's USA LLC, Joint Employers		b. Tel. No. 412-251-9964
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 312 Carriage Blvd. Pittsburgh, PA 15239	e. Employer Representative (b) (6), (b) (7)(C)	g. e-Mail
		h. Number of workers employed Approx 40
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) \_\_\_\_\_ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

1. On or about Thursday, October 27, 2016, Respondent interfered with and restrained employees' right to engage in concerted activities for the purpose of mutual aid and protection by calling the police on employees who were speaking with union organizers. Respondent engaged in this conduct because employees joined, supported, and assisted the Union, and engaged in concerted activities for collective bargaining or other mutual aid or protection, and in order to discourage employees from engaging in such activities or other concerted activities for the purpose of collective bargaining or mutual aid and protection.

2. On or about Tuesday, November 29, 2016, certain employees of Respondent ceased work concertedly and engaged in a strike. Since then, Respondent has retaliated against these employees. See the attached narrative.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Pennsylvania Workers Organizing Committee (A project of the Fast Food Workers Committee)

4a. Address (Street and number, city, state, and ZIP code) c/o Healey & Hornack, PC 247 Fort Pitt Blvd, 4th Floor Pittsburgh, PA 15222	4b. Tel. No. 412-391-7711
	4c. Cell No.
	4d. Fax No. 412-281-9509
	4e. e-Mail mike@unionlawyers.net

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) See Number 3.

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  Michael J. Healey & Megan M. Block  
(signature of representative or person making charge) (Print/type name and title or office, if any)

Address 247 Fort Pitt Blvd., 4th Floor, Pittsburgh, PA 15222

12/6/16

(date)

Tel. No. 412-391-7711

Office, if any, Cell No.  
412-760-0342

Fax No.

e-Mail  
mike@unionlawyers.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

3. On or about Tuesday, November 29, 2016, the day of the strike, Respondent, acting through (b) (6), (b) (7)(C), threatened employees, including (b) (6), (b) (7)(C), that they would be disciplined if they participated in a strike that day.

4. Since the fast food strike on Tuesday, November 29, 2016, Respondent, acting through (b) (6), (b) (7)(C), retaliated against employees who participated in the strike by taking away benefits, such as free food for meals

5. Since the fast food strike on Tuesday, November 29, 2016, Respondent, acting through (b) (6), (b) (7)(C), retaliated against employees who participated in the strike by informing them they could no longer work overtime.

6. On or about Wednesday, November 30, Respondent, acting through (b) (6), (b) (7)(C), retaliated against (b) (6), (b) (7)(C) for participating in the strike by not putting (b) (6), (b) (7)(C) on the work schedule.

7. On or about Wednesday, November 30, Respondent, acting through (b) (6), (b) (7)(C) retaliated against (b) (6), (b) (7)(C) by forcing (b) (6), (b) (7)(C) to "get on (b) (6), (b) (7)(C) hands and knees" and scrub the bathrooms and the lobby.

8. On or about Thursday, December 1, Respondent, acting through (b) (6), (b) (7)(C) retaliated against (b) (6), (b) (7)(C) by reducing (b) (6), (b) (7)(C) work hours.

Respondent engaged in this conduct because these employees joined, supported, and assisted the Union, and engaged in concerted activities for collective bargaining or other mutual aid or protection, and in order to discourage employees from engaging in such activities or other concerted activities for the purpose of collective bargaining or mutual aid and protection.

**From:** [Moeller, Dolores L.](#)  
**To:** ["Mike Healey"](#)  
**Subject:** Ish Foods/McDonalds 06-CA-189460  
**Date:** Friday, December 9, 2016 11:09:00 AM  
**Importance:** High

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Good Morning Mike,

I know we are scheduled to meet on Monday regarding the other McDonalds case. Now I am trying to schedule affidavits from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and other corroborating witnesses. I am available Monday morning, Tuesday and Wednesday next week. Let me know if we can arrange something for those days. Thanks, Dee

*DEE MOELLER*  
*FIELD EXAMINER*  
*NATIONAL LABOR RELATIONS BOARD*  
*REGION 6-PITTSBURGH*  
*PHONE: 412-690-7115*  
*Cell: 202-258-9967*  
*Fax: 412-395-5986*

***The NLRB strongly encourages all parties to file documents electronically through our online E-File system: <https://mynlrb.nlr.gov/portal/nlr.gov?open=512&objID=202&mode=2>***



**Go Green! Do not print this email unless it's necessary!**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 6  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (412)395-4400  
Fax: (412)395-5986



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December 9, 2016

Ish Foods, Inc., a McDonald's Franchisee,  
and McDonald's USA LLC, Joint Employers

(b) (6), (b) (7)(C)

312 Carriage Blvd  
Pittsburgh, PA 15239-3611

Re: Ish Foods, Inc., a McDonald's Franchisee,  
and McDonald's USA LLC, Joint Employers  
Case 06-CA-189460

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Dolores L. Moeller whose telephone number is (412)690-7115. If this Board agent is not available, you may contact Supervisory Attorney Suzanne S. Donsky whose telephone number is (412)690-7104.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

December 9, 2016

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

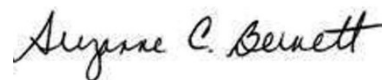
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Suzanne C. Bennett  
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

jk

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

06-CA-189460

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ISH FOODS, INC., A MCDONALD'S  
FRANCHISEE, AND MCDONALD'S USA LLC,  
JOINT EMPLOYERS**

Charged Party

and

**PENNSYLVANIA WORKERS ORGANIZING  
COMMITTEE, A PROJECT OF THE FAST  
FOOD WORKERS COMMITTEE**

Charging Party

**Case 06-CA-189460**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 9, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

Ish Foods, Inc., a McDonald's Franchisee, and  
McDonald's USA LLC, Joint Employers  
312 Carriage Blvd  
Pittsburgh, PA 15239-3611

December 9, 2016

\_\_\_\_\_  
Date

Karen L. Westerlund,  
Designated Agent of NLRB

\_\_\_\_\_  
Name

jk

/s/ Karen L. Westerlund

\_\_\_\_\_  
Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 6  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (412)395-4400  
Fax: (412)395-5986



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December 9, 2016

Pennsylvania Workers Organizing Committee,  
A Project of the Fast Food Workers Committee  
c/o Healey and Hornack  
247 Fort Pitt Blvd, Fourth Floor  
Pittsburgh, PA 15222

Re: Ish Foods, Inc., a McDonald's Franchisee,  
and McDonald's USA LLC, Joint Employers  
Case 06-CA-189460

Dear Sir or Madam:

The charge that you filed in this case on December 06, 2016 has been docketed as case number 06-CA-189460. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Dolores L. Moeller whose telephone number is (412)690-7115. If this Board agent is not available, you may contact Supervisory Attorney Suzanne S. Donsky whose telephone number is (412)690-7104.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you



December 9, 2016

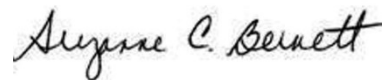
fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Suzanne C. Bernett  
Acting Regional Director

cc: Megan M. Block, Attorney  
Healey and Hornack, P.C.  
247 Fort Pitt Blvd, Fourth Floor  
Pittsburgh, PA 15222-1510

jk

**MEMORANDUM**

TO: File


DATE: December 15, 2016

RE: Ish Foods, Inc., a McDonald's Franchisee, and McDonald's USA LLC, Joint  
Employers  
Case 06-CA-189460

FROM: DOLORES L. MOELLER, FIELD EXAMINER

**CONVERSATION WITH CHARGING PARTY ATTORNEY MEGHAN BLOCK**

On (b) (7)(E) 2016, Charging Party Attorney Meghan Block was in the Regional office to accompany alleged discriminatee (b) (6), (b) (7)(C) during (b) (6), (b) (7)(C) statement. (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C), (b) (5)



**From:** [Yoest, Tara N.](#)  
**To:** [Keeton, Jacquetta](#); [Prosser, Charlene M.](#); [Westerlund, Karen L.](#)  
**Cc:** [Moeller, Dolores L.](#); [Donsky, Suzanne S.](#)  
**Subject:** RE: Ish Foods, Inc. , 06-CA-189460 - FIR Recommending approval of withdrawal request (non-adjusted)  
**Date:** Monday, December 19, 2016 9:40:56 AM

---

I have approved this withdrawal. The WDL may issue.

---

**From:** Donsky, Suzanne S.  
**Sent:** Monday, December 19, 2016 9:38 AM  
**To:** Yoest, Tara N. <Tara.Yoest@nlrb.gov>  
**Cc:** Moeller, Dolores L. <Dolores.Moeller@nlrb.gov>  
**Subject:** Ish Foods, Inc. , 06-CA-189460 - FIR Recommending approval of withdrawal request (non-adjusted)

Tara,  
Please review and approve Dee's FIR in the above case. I agree with her recommendation to approve the request (non-adjusted), as the CP Union does not wish to proceed at this this time.  
Thanks,  
Suzanne

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

WITHDRAWAL REQUEST

In the matter of **Ish Foods, Inc., a McDonald's  
Franchisee, and McDonald's USA  
LLC, Joint Employers**

Case 06-CA-189460

This is to request withdrawal of the charge in the above case.

**Pennsylvania Workers Organizing Committee,  
A Project of the Fast Food Workers Committee**

(Name of Party Filing Charge)

By: Megan M Blorde  
Attorney  
(Title)

Date: 12-14-16

Withdrawal request approved:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Regional Director, Region 06  
National Labor Relations Board



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 06  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (412)395-4400  
Fax: (412)395-5986

December 20, 2016

Doreen Davis, Attorney  
Jones Day  
250 Vesey St  
New York, NY 10281-1052

Michael Ferrell, Attorney  
Elizabeth Winiarski, Attorney  
Jones Day  
77 W Wacker Dr Ste 3500  
Chicago, IL 60601-1701

Re: Ish Foods, Inc., a McDonald's Franchisee,  
and McDonald's USA LLC, Joint  
Employers  
Case 06-CA-189460

Dear Ms. Davis, Mr. Ferrell, & Ms. Winiarski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Nancy Wilson

Nancy Wilson  
Regional Director

cc: (b) (6), (b) (7)(C)  
Ish Foods, Inc., a McDonald's Franchisee,  
and McDonald's USA LLC, Joint  
Employers  
312 Carriage Blvd  
Pittsburgh, PA 15239-3611

Megan M. Block, Attorney  
Healey and Hornack, P.C.  
247 Fort Pitt Blvd, Fourth Floor  
Pittsburgh, PA 15222-1510

Pennsylvania Workers Organizing  
Committee, A Project of the Fast Food  
Workers Committee  
c/o Healey and Hornack  
247 Fort Pitt Blvd, Fourth Floor  
Pittsburgh, PA 15222

nm